

# PETITION UNDER 28 U.S.C. 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

CH

UNITED STATES DISTRICT COURT JUDGE ~~SHAW~~ MANNING  
DISTRICT: NORTHERN  
NAME: SHAUNCEY JACKSON CASE NO. 99CR261 / (07C7010)  
PLACE OF CONFINEMENT: LINCOLN CORRECTIONAL CENTER PRISONER NO. R82054  
PETITIONER: SHAUNCEY JACKSON RESPONDENT:  
THE ATTORNEY GENERAL OF THE STATE OF: V. UNITED STATES OF AMERICA

ILLINOIS

RECEIVED

Amended PETITION

APR - 2 2008 aw  
Apr 2 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

- 1) (a) NAME AND LOCATION OF COURT THAT ENTERED THE JUDGMENT OF CONVICTION:
  - UNITED STATES DISTRICT COURT FOR NORTHERN ILLINOIS 219 S. DEARBORN CHGO, IL
  - CIRCUIT COURT OF COOK COUNTY 2650 S. CALIFORNIA CHGO, IL
- (b) CRIMINAL DOCKET OR CASE NO.:
  - 99 CR 261-1 (FEDERAL)
  - 06 CR1222201 (STATE)
- 2) DATE OF JUDGMENT OF CONVICTION:
  - SEPTEMBER 26, 2007 (FEDERAL)
  - SEPTEMBER 25, 2007 (STATE)
- 3) LENGTH OF SENTENCE:
  - 7 MONTHS (FEDERAL)
  - 2 YEARS (STATE)

4) IN THIS CASE, WERE YOU CONVICTED ON MORE THAN ONE COUNT OR OF MORE THAN ONE CRIME? - NO (FEDERAL) - NO (STATE)

5) IDENTIFY ALL CRIMES OF WHICH YOU WERE CONVICTED AND SENTENCED IN THIS CASE:

- FEDERAL VIOLATION OF PROBATION FOR BANK ROBBERY (FEDERAL)
- CRIMINAL DAMAGE TO PROPERTY (STATE)

6)(a) WHAT WAS YOUR PLEA?

- GUILTY (FEDERAL)
- GUILTY (STATE)

(b) IF YOU ENTERED A GUILTY PLEA TO ONE COUNT OR CHARGE AND A NOT GUILTY PLEA TO ANOTHER COUNT OR CHARGE, WHAT DID YOU PLEAD GUILTY TO AND WHAT DID YOU PLEAD NOT GUILTY TO?

- I PLEAD GUILTY TO ONE COUNT OF BANK ROBBERY (FEDERAL)
- I PLEAD GUILTY TO ONE COUNT OF CRIMINAL DAMAGE TO PROPERTY (STATE)

7) DID YOU TESTIFY AT A PRETRIAL HEARING, TRIAL, OR A POST-TRIAL HEARING?

- NO (FEDERAL)
- NO (STATE)

8) DID YOU APPEAL FROM THE JUDGEMENT OF CONVICTION?

- NO (FEDERAL)
- NO (STATE)

9) HAVE YOU PREVIOUSLY FILED ANY OTHER PETITIONS, APPLICATIONS, OR MOTIONS CONCERNING THIS JUDGEMENT OF CONVICTION IN ANY STATE COURT? NO

10) For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States.

GROUND ONE: BASED ON A FEDERAL JUDGEMENT AND COMMITMENT, A federal detainee has been placed on detainee to serve a 7 month sentence consecutive to a 2 year sentence ordered to be ran concurrent by a state judges order.

(A) SUPPORTING FACTS

1. DEFENDANT has been in custody since July 25, 2007
2. DEFENDANT WAS SENTENCED TO 210 days in FEDERAL COURT for violation of probation CASE NO. 99 CR 261-1 ON SEPT. 26, 2007 WHEN FEDERAL JUDGE SHAWK STATED THAT HE HOPED STATE CHARGES WOULD BE RAN CONCURRENT WITH FEDERAL SENTENCE OF 7 MONTHS (PLEASE REFER TO TRANSCRIPTS)
3. DEFENDANT WAS SENTENCED TO 2 YEARS IN STATE COURT FOR CRIMINAL DAMAGE TO PROPERTY CASE NO. 06 CR 1222201 ON SEPT. 25, 2007 AND STATE JUDGE ORDERED SENTENCE TO BE RAN CONCURRENT TO FEDERAL CASE (SEE ATTACHED STATE MITTIMUS)
4. DEFENDANT has a release date of MARCH 9, 2008
5. DEFENDANT WILL HAVE SERVED 229 days total incarceration

(B) IF YOU DID NOT EXHAUST YOUR STATE REMEDIES ON GROUND ONE, EXPLAIN WHY: YES, I HAVE EXHAUSTED STATE REMEDIES (SEE ATTACHED STATE MITTIMUS) WHICH PROVES THAT SAID CASES WERE INTENDED TO BE RAN CONCURRENT AND STATE SENTENCE SUCCEEDS THE FEDERAL SENTENCE AND TERMS.

11) Have you previously filed Any type of petition, application, or motion in a federal Court REGARDING the conviction you challenge in this petition? YES  
 IF "YES", STATE the Name and location of the Court, the docket or case Number, the type of proceeding, the issues raised, the dates of Court's decision, and the result for each petition, application, or motion filed.  
 Attach A Copy of Any Court opinion or order, if available.

YES, I filed a U.S.C. 2255 TO Vacate, SET ASIDE, OR Correct Sentence Motion in the UNITED STATES DISTRICT COURT FOR Northern District of Illinois, CASE No. 07 C 7010.

THE ISSUES RAISED WERE THAT A FEDERAL DETAINER has been placed ON defendant while serving a 2YEAR STATE SENTENCE ordered to be ran concurrent by STATE JUDGE William Kacy/ CASE NO. 06 CR 1222201 with FEDERAL SENTENCE of 7 months CASE NO. 99 CR 261 by FEDERAL JUDGE SHADUR AND DEFENDANT RECALLS JUDGE SHADUR STATING THAT HE hoped STATE SENTENCE would be ran concurrent with FEDERAL SENTENCE at hearing ON SEPT. 26, 2007 at approximately 9:00 A.M. (PLEASE REFER TO TRANSCRIPTS)

Motion 2255 WAS denied on DECEMBER 19, 2007. Copy of ORDER IS ATTACHED.

12) Do you have any petition or appeal now pending in any court, either state or federal, for the judgement you are challenging? YES

IN THE UNITED STATES DISTRICT COURT FOR Northern District of ILLINOIS; 219 S. DEARBORN; CASE No. 07 C 7011; Petition Under 28 U.S.C. 2254 WRIT OF HABEAS CORPUS By A PERSON IN STATE Custody

THE ISSUES RAISED WERE THE SAME ISSUES RAISED IN THIS PETITION.

13) GIVE THE NAME AND ADDRESS OF EACH AGENCY WHO REPRESENTED YOU.

JOHN MURPHY 55 E. MONROE CHICAGO, IL

14) Do you have any future sentence to serve after you complete the sentence for the judgement you are challenging? YES, THAT IS WHY I AM FILING THIS PETITION. I HAVE TWO SENTENCES; FEDERAL SENTENCE OF 7 MONTHS AND STATE SENTENCE OF 2 YEARS ORDERED TO BE RAN CONCURRENT BY STATE JUDGE. HOWEVER THERE IS A FEDERAL DETAINER ON ME. I WAS TAKEN INTO FEDERAL Custody ON JULY 25, 2007 AND RELEASED INTO STATE Custody ON SEPT. 12, 2007. MY RELEASE DATE FROM STATE Custody IS ON MARCH 9, 2008.

THEREFORE, PETITIONER ASK THAT THE COURT GRANT THE FOLLOWING RELIEF:  
YOURS HONOR, I ASK THAT YOU CONSIDER THE ENTIRE TIME THAT I HAVE BEEN HELD IN Custody, JULY 25, 2007 TO SEPT. 12, 2007 IN FEDERAL

Custody; THEN TAKEN directly INTO STATE Custody, SEPT. 12, 2007 to MAR. 9, 2008 (RELEASE date) from STATE Custody; LIFTING FEDERAL DETAINER AND/OR ALLOWING ME TO SERVE REMAINDER OF FEDERAL SENTENCE ON HOME-CONFINEMENT IF FEDERAL SENTENCE CAN'T be RAN CONCURRENT WITH STATE SENTENCE by granting time-SERVED from the amount of time I have been held in Custody; OR Any other relief to which petitioner may be entitled, BECAUSE OWNERS WAS ON THE U.S. MARSHALS TO TAKE Custody OF DEFENDANT FROM STATE Custody AFTER DEFENDANT WAS SENTENCED IN STATE COURT, WHEN STATE JUDGE ORDERED STATE SENTENCE TO BE RAN CONCURRENT.

I DECLARE UNDER PENALTY OF PERJURY THAT the foregoing is true AND CORRECT ~~AND THAT THE PETITION FOR WRIT OF HABEAS CORPUS WAS FILED~~  
~~IN THE PROBATION DEPARTMENT SYSTEM~~ ~~JANUARY 3, 2008~~  
~~(MOBILE STATE, ILLINOIS)~~

JANUARY 3, 2008  
 EXECUTED ON (DATE)

APPEARED AND SWORN TO BEFORE  
 ON THIS 3 DAY OF January 2008  
 Tracy L. Hill  
 NOTARY PUBLIC



Shammy Jackson  
 SIGNATURE OF PETITIONER

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                           |   |               |
|---------------------------|---|---------------|
| UNITED STATES OF AMERICA, | ) |               |
|                           | ) |               |
| Plaintiff,                | ) |               |
|                           | ) |               |
| v.                        | ) | No. 07 C 7010 |
|                           | ) |               |
| SHAUNCEY JACKSON,         | ) |               |
|                           | ) |               |
| Defendant.                | ) |               |

MEMORANDUM ORDER

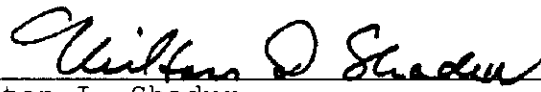
Shauncey Jackson ("Jackson") has filed a self-prepared document that she captions "Motion To Vacate, Set Aside or Correct Sentence by Person in State Custody" but, having done so, she then lists below that heading the original case number in this District Court (99 CR 261) accompanied by this legend:

Motion pursuant to 28 U.S.C. 2255 to vacate, set aside or correct sentence

Those internally inconsistent labels are occasioned by the facts that Jackson is indeed in custody in the Illinois prison system because of a state law criminal offense but that she was also sentenced by this Court on September 26, 2007 to a term of seven months in the custody of the Bureau of Prisons because of her having violated the conditions of supervised release that had been imposed as part of her earlier federal sentence.

Simply put, Jackson does not come within the defined parameters marked out for Section 2255 jurisdiction. This Court imposed that seven-month custodial sentence, which was not coupled with a reinstatement of any further supervised release,

after having held an appropriate hearing. With sentence having been thus pronounced, the execution of the sentence is within the province of the Bureau of Prisons. Accordingly Jackson's Section 2255 motion is denied.<sup>1</sup>

  
\_\_\_\_\_  
Milton I. Shadur  
Senior United States District Judge

Date: December 19, 2007

---

<sup>1</sup> This denial closes this Case No. 07 C 7010, so it is unnecessary to address Jackson's deficiency in having failed to provide enough copies of her motion for service on the United States Attorney's Office (or, for that matter, for this Court's file).



# Certificate of Completion

*This certifies that*

JACKSON, SHAUNECY

*has completed the requirements  
of the PRESTART Program  
and is awarded this certificate.*

*Given at* Lincoln Correctional Center

*this* 20th *day of* December, 20 07.

  
\_\_\_\_\_  
Program Coordinator

  
\_\_\_\_\_  
Chief Administrative Officer



**preSTART**

1282054

## IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS ) CASE NUMBER 06CR1222201  
 V. ) DATE OF BIRTH 05/24/70  
 SHAUNEY JACKSON ) DATE OF ARREST 09/13/07  
 Defendant IR NUMBER 0853351 SID NUMBER 028880650

ORDER OF COMMITMENT AND SENTENCE TO  
 ILLINOIS DEPARTMENT OF CORRECTIONS  
 =====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

| Count  | Statutory Citation | Offense                     | Sentence            | Class |
|--|--------------------|-----------------------------|---------------------|-------|
| 001  | 720-5/21-1(1)(a)   | KNOW DAMAGE PROP>\$10K-100K | YRS. 002 MOS. ____  | 3     |
| and said sentence shall run concurrent with count(s) ____                              |                    |                             | YRS. ____ MOS. ____ | ____  |
| and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on: |                    |                             | YRS. ____ MOS. ____ | ____  |
| and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on: |                    |                             | YRS. ____ MOS. ____ | ____  |
| and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on: |                    |                             | YRS. ____ MOS. ____ | ____  |
| and said sentence shall run (concurrent with)(consecutive to) the sentence imposed on: |                    |                             | YRS. ____ MOS. ____ | ____  |

On Count \_\_\_\_ defendant having been convicted of a class \_\_\_\_ offense is sentenced as a class X offender pursuant TO 730 ILCS 5/5-5-3(C)(8).

On Count \_\_\_\_ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 0016 days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) \_\_\_\_\_

AND: consecutive to the sentence imposed under case number(s) \_\_\_\_\_

IT IS FURTHER ORDERED THAT TO RUN CONCURRENT TO THE FEDERAL CASE \_\_\_\_\_

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a facility provided by law until the above sentence is fulfilled.

DATED SEPTEMBER 25, 2007

CERTIFIED BY E BELMARES DEPUTY CLERK

WAPF 09/25/07 12:25:28

ENTER: 09/25/07

JUDGE: LACY, WILLIAM G

1725

CCG N305

U.S. Department of Justice  
United States Marshals Service



## DETAINER

### BASED ON FEDERAL JUDGMENT AND COMMITMENT

United States Marshal  
Central District of Illinois  
(District)

600 E. Monroe St.  
Springfield, IL 62701  
(217) 492-4430

(Return Address and Phone)

Please type or print neatly:

TO: Lincoln Correctional Center  
P.O. Box 549  
Lincoln, IL 62656  
Attn: Records Office

DATE: November 20, 2007  
SUBJECT: JACKSON, Shaunecy  
AKA: JACKSON, Shaunecy  
DOB/SSN: 05/24/1970 322-66-5454  
REF. # R82054  
USMS #: 10443-421  
CR #: 99 CR 261-1

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Northern District of Illinois has issued a **Judgment and Commitment Order** against the subject. The attached **Judgment and Commitment Order** commits the subject to the custody of the U.S. Attorney General to serve the following sentence of imprisonment:

7 months custody of the U.S. Bureau of Prisons

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody of the subject for service of his Federal sentence of imprisonment. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible. The notice and speedy trial requirements of the Interstate Agreement on Detainers Act do NOT apply to this Detainer.

Please acknowledge receipt of this Detainer. In addition, please provide one copy of the Detainer to the subject and return one copy of the Detainer to this office in the enclosed self-addressed envelope.

| RECEIPT |                         |
|---------|-------------------------|
| Date:   | <u>11-26-07</u>         |
| Signed: | <u>Shaunecy Jackson</u> |
| By:     | <u>Jenna Montcalm</u>   |
| Title:  | <u>Office Assoc.</u>    |

Very truly yours,

Jill Good  
(Signature)

Steven Deatherage  
U.S. Marshal

Requested by: Jill Good

*Northern District  
Said Concurrent  
for DWIGHT  
CENTRAL District  
FEDERAL Put Hold  
ON.*



**Illinois**  
Department of  
**Corrections**

**Rod R. Blagojevich**  
Governor

**Roger E. Walker, Jr.**  
Director

Lincoln Correctional Center / 1098 1350<sup>th</sup> Street / P.O. Box 549 / Lincoln, IL 62656 / Telephone: (217)735-5411 / TDD: (800)526-0844

**M E M O R A N D U M**

**DATE:** January 18, 2008  
**TO:** Whom it may concern  
**FROM:** M. Crank CCII CADC  
**SUBJECT: JACKSON, SHAUNECY R82054**

---

This memo serves as verification that Shaunecy Jackson R82054 participated in the Wells Substance Abuse Program from 11/13/07-1/18/08.

Cc: File

  
\_\_\_\_\_  
M. Crank CCII CADC

TO: THE HONORABLE JUDGE MANNING

FROM: SHAWNEY JACKSON #R82054

RE: CASE NO. 07 C 7011

DATE: FEB. 12, 2008

THE HABEAS CORPUS PETITION filed should not be dismissed. THE failure to exhaust Administrative Remedies prior to seeking habeas relief is due to the fact that the Bureau of Prisons administrative Remedies are not available to the ILLINOIS DEPT. OF CORRECTIONS inmates. Therefore, the petitioner ask that this is taken into consideration.

THANK You,  
Shawney Jackson

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

CASE NO. 99 CR 261 / 07 C 7010

SHAWNEE <sup>VS</sup> JACKSON

JUDGE MANWING

TO: ~~Mr. [illegible]~~  
~~Mr. [illegible]~~  
~~Mr. [illegible]~~  
~~Mr. [illegible]~~  
~~Mr. [illegible]~~  
1 copy(ies)

- 1) PETITION OF WRIT HABEAS CORPUS
- 2) MEMORANDUM ORDER DATED DEC. 19, 2007
- 3) ORDER OF COMMITMENT AND SENTENCE TO JDOC
- 4) CERTIFICATE OF COMPLETION FOR PRE-START PROGRAM
- 5) DETAILS
- 6) ~~MEMORANDUM ORDER DATED DEC. 19, 2007~~
- 7) SUBSTITUTE ABOVE PROGRAM LETTER
- 8)

I, SHAWNEE JACKSON, being first duly sworn on oath, deposes and avers that he/she has caused the above stated documents in the above stated amounts, to be served upon the above listed parties ~~by placing the same in the U.S. MAIL BOX on~~

served upon the above listed parties by placing the same in the U.S. MAIL BOX on ~~Unit #38~~ located at ~~KMPK Correctional Center in PMAID~~ Her for ~~date 8/27/2012~~

S/S: Shamir Jackson  
NAME: Shamir Jackson  
IDOC Reg. No. 182054

Subscribed and sworn to before me this 3 day of January, 2008

**"OFFICIAL SEAL"**  
Tracy L. Hill  
Notary Public, State of Illinois  
My Commission Exp. 04/13/2009